

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS,
et al.,

Defendants.

v.

VIRGINIA HOUSE OF DELEGATES, *et al.*,

Intervenor-Defendants.

Civil Action No. 3:14-cv-00852-REP-AWA-BMK

**PLAINTIFFS' STATEMENT OF POSITION REGARDING SPECIAL MASTER
TIME SHEETS AND OUT-OF-POCKET EXPENSES**

Pursuant to the Court's order dated March 20, 2019 (Dkt. No. 372), Plaintiffs submit this statement of position regarding the Special Master's submissions concerning fees and out-of-pocket expenses incurred by Dr. Bernard Grofman and his research assistant, Jonathan Cervas.

The Court, by order dated October 18, 2018, appointed Dr. Grofman as special master and ordered that “[t]he Commonwealth of Virginia shall be responsible to pay the fees of the Special Master,” although it provided the Commonwealth “with the right to seek

apportionment thereof at the end of the case.” Dkt. No. 276 at 1.¹ On October 23, 2018, the Court further ordered that Dr. Grofman could employ the services of Mr. Cervas, his research assistant. Dkt. No. 280 at 1. The Court authorized an hourly rate for Mr. Cervas at \$75 per hour.

As the need to engage the special master to assist in preparation of a remedial plan was necessitated by the Commonwealth’s adoption of an unconstitutional districting plan, costs associated with the remedy are appropriately the Commonwealth’s responsibility, and not Plaintiffs’.

Plaintiffs have reviewed the timesheets submitted by Dr. Grofman and Mr. Cervas. While both appear to have billed at the hourly rate authorized by the Court, because Plaintiffs are not responsible for paying costs associated with the special master, they take no position regarding the appropriateness of the fees and costs incurred by the special master.

¹ The State Defendants had previously advised the Court that Dr. Grofman would charge a fee of \$400 per hour to serve as special master. Dkt. No. 264 at 2.

Dated: March 29, 2019

By: /s/ Aria C. Branch

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March, 2019, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the counsel of record in this case.

By /s/ Aria C. Branch
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